

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEREMY SCHUH,

Plaintiff,

Case No. 2:20-CV-10468-DML-RSW

v.

HON. DAVID M. LAWSON  
MAG. R. STEVEN WHALEN

Washtenaw County, Wellpath,  
Jerry Clayton, Mark Ptaszek, Eric Kunath, Michelle  
Billard, Michelle Brown, David Clifton, Joseph Fendt,  
Tyeshonda Burris, Richard Williams, III, Eric Flint, Erin  
Clark, Sergeant Justice, Carrie Engle, Deputy Damien  
Valdivida, Eric Kohlenberg, Christopher Dea, Federico  
Garcia, Randy Casey, Deputy Phuong Le,  
Nanette Worley, Daryl Parker, John Morario,  
Defendants.

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PLAINTIFF'S COUNSEL'S MOTION TO WITHDRAW

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## STATEMENT OF THE ISSUE PRESENTED

1. Plaintiff's counsel should be permitted to withdraw.

CONTROLLING OR MOST APPROPRIATE AUTHORITY  
FOR THE RELIEF SOUGHT

As to Issue No. 1

*E.D. Mich. LR 83.25(b)(2)*

*Michigan Rule of Professional Responsibility 1.16(b)*

## STATEMENT OF FACTS

This is a prisoner civil rights case. On June 19, 2020, this Court appointed the undersigned attorney to represent Plaintiff Jeremy Schuh (ECF No. 13, PageID. 116).

Plaintiff and the undersigned have jointly determined that the undersigned should withdraw from this matter [**Exhibit 1**, Statement of Plaintiff Jeremy Schuh]. There has been a complete breakdown of the attorney-client relationship and the undersigned is unable to continue as counsel in this matter. The undersigned seeks an order granting his request to withdraw.

Prior to filing this motion, the undersigned contacted counsel representing the three groups of Defendants in this action: (1) the County Defendants; (2) the Wellpath Defendants; and (3) the Summit Food Services Defendant. Counsel for all parties stated that they would not oppose the relief requested in this motion.

## ARGUMENT

Local Rule 83.25 provides that an attorney may withdraw only on order of the Court. E.D. Mich. LR 83.25(b)(2).

The Rules of Professional Conduct adopted by the Michigan Supreme Court apply to attorneys who practice in this court. Local Rule 83.22(b). Under Michigan Rule of Professional Responsibility 1.16(b), “a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client, or if: (1) the client persists in a course

of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent; (2) the client has used the lawyer's services to perpetrate a crime or fraud; (3) the client insists on pursuing an objective that the lawyer considers repugnant or imprudent; (4) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer may withdraw unless the obligation is fulfilled; (5) the representation will result in an undue financial burden on the lawyer or has been rendered unreasonably difficult by the client; or (6) other good cause exists." "[W]hile these rules stop short of guaranteeing a right to withdraw, they confirm that withdrawal is presumptively appropriate where the rule requirements are satisfied." *Brandon v. Blech*, 560 F.3d 536, 538 (6th Cir. 2009).

In the matter *sub judice*, withdrawal can be accomplished without a material adverse effect on the interests of Plaintiff. This case is in its early stages. Plaintiff has experience in representing himself and he agrees in the relief sought in this motion. There has been a complete breakdown of the attorney-client relationship. *See Exhibit 1*, Statement of Plaintiff Jeremy Schuh. As such, good cause exists for this Court to authorize a withdrawal in this matter.

Withdrawal is separately warranted pursuant to (3) and (6) above. If this Court requires further factual support, the undersigned would respectfully request an *ex parte* and off-the-record hearing on the matter.

Finally, Plaintiff has requested a 30-day stay so that alternate *pro bono* counsel can be located for him. See Exhibit 1, ¶ 3.

### **CONCLUSION AND RELIEF SOUGHT**

WHEREFORE, the undersigned attorney respectfully requests an Order granting his request to withdraw. Plaintiff further requests that this Court issue a 30-day stay and that it make an attempt to locate for Plaintiff alternate *pro bono* counsel.

Dated: November 30, 2020

Respectfully submitted:

/s/ Frank J. Lawrence (DC# 1048420)  
Attorney for Plaintiff Jeremy Schuh  
941 Westview Road  
Bloomfield Hills, MI 48304  
(248) 722-2560  
flawrence1@hotmail.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2020, I filed the foregoing paper and this Certificate of Service to be electronically filed with the Clerk of the Court using the Case Management/Electronic Case Filing (CM/ECF) system which will presumptively forward notification of this filing electronically to all attorneys of record. I further certify that I sent the Motion to Withdraw as Counsel to Plaintiff Jeremy Schuh at:

Mr. Jeremy Schuh  
Washtenaw County Jail  
2201 Hogback Road  
Ann Arbor, MI 48105

Dated: November 30, 2020

Respectfully submitted:

/s/ Frank J. Lawrence (DC# 1048420)  
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(248) 722-2560  
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